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Superior Lumber Co.

Cecil Wetzel
Wetzel-Oviatt Lumber Co.

East Coast Office

1920 L Street NW, Suite 200
Washington, D.C. 20036
(202) 969-2444
(202) 969-2445 FAX

West Coast Office

610 Market Street, Suite 201
Kirkland, WA 98033
(425) 803-2996
(425) 822-6235 FAX

Southern Office

2311 Highland Avenue South
Birmingham, AL 35205
(205) 930-5122
(205) 930-5101 FAX

www.nodeathtax.org
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November 4, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554



Re: CG Docket No. 02-278, DA 04-3187 – North Dakota –
ccAdvertising/FreeEats.com

Dear Ms. Dortch:

I am the Executive Director of the American Family Business Institute (AFBI) who is a customer of ccAdvertising. AFBI has used the proprietary Interactive Voice Response – Speech Recognition (IVRSR) ccAdvertising process in some crucial and important ways regarding results obtained in the most recent elections. For this reason, AFBI writes in support of a ruling by the Commission that N.D. Cent. Code § 51-28-02 does not apply to the use of prerecorded message technology in connection with interstate calls.

We appreciate the opportunity to comment on a matter that affects our operations. AFBI is focused on the permanent elimination of the Federal Death Tax. In order to effectively demonstrate to a U.S. Senator or Representative their constituent's support for the elimination of the Death Tax, AFBI must be able to survey voters, recruit volunteers and contributors, identify supporters, and turn out these supporters on election day. Telephone calls, particularly those that make use of prerecorded messages and voice-recognition technologies are highly cost-effective in accomplishing many of these objectives. Because the vendors and consultants that provide these services often are located in a different state than the one where the election will take place, many of these political activities are being carried out by means of interstate calls.

AFBI and the efforts in its data acquisition and voter identification that it participates, should not have to meet multiple legal standards when making interstate calls that use prerecorded message technology. In such cases, compliance with the Commission's rules governing the use of prerecorded message technology should suffice.

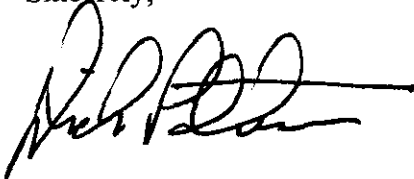
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Defending the American Dream

We agree with the Commission's own statement last year that it was the clear intent of Congress in enacting the Telephone Consumer Protection Act to create uniform national rules, and the Commission's conclusion that those who engage in nationwide or multi-state telephone campaigns are substantially burdened when inconsistent rules are applied to their campaigns. See 68 Fed. Reg. 44144, 44155 (July 25, 2003). We further believe that a political campaign's compliance with the Commission's rules governing the use of prerecorded message technology should render lawful the use of such technology in connection with interstate calls. Neither North Dakota or any other State whose laws do not contain the exemptions for prerecorded messages found in 47 C.F.R. § 64.1200 (e.g., Arkansas, Montana, and New Hampshire) should be able to apply their laws to interstate prerecorded-message calls that comply with the TCPA.

In short, the Commission should rule that state laws imposing more restrictive requirements upon telephone calls using prerecorded messages, such as N.D. Cent. Code § 51-28-02, do not apply to interstate calls that comply with the prerecorded-message provisions of 47 C.F.R. § 64.1200.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Patten", with a long horizontal stroke extending to the right.

Dick Patten, Executive Director